

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re: Revstone Industries LLC

Official Committee of Unsecured	:	
Creditors of Revstone Industries LLC,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 13-1469-GMS
	:	
Metavation LLC,	:	AP No. 13-85
	:	
Appellee.	:	

RECOMMENDATION

At Wilmington this 6th day of **November, 2013**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which involved a review of the record, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process. Appellant has filed an emergency motion for stay, an emergency motion for expedited hearing on the motion to stay, an emergency motion to expedite appeal and relief from mediation, and an emergency motion to expedite hearing on the emergency motion for expedited appeal and relief from mediation (D.I. 2-

3, 6-7). These motions are opposed by appellee (D.I. 9). The court reviewed those briefs, and it does not appear either side is interested in mediation.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. The parties are advised through this Order of their right to file objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE